

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

TRACY D. PERKINS,

Plaintiff,

V.

JOHN WILSON, et al.,

Defendants.

No. 2:11CV72 DDN

MEMORANDUM AND ORDER

This matter is before the Court for review of plaintiff's complaint pursuant to 28 U.S.C. § 1915A. Under § 1915A, the Court is required to review the complaint and dismiss it if it is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune to such relief.

Plaintiff, an inmate at the Women's Eastern Reception, Diagnostic and Correctional Center ("WERDCC"), brings the instant lawsuit pursuant to 42 U.S.C. § 1983 alleging violations of her rights under the Eighth and Fourteenth Amendments of the United States Constitution. Specifically, plaintiff alleges that defendant John Wilson, a correctional officer at WERDCC sexually assaulted her. Also named as defendants are Larry Crawford (Former Director, Missouri Dept. of Corrections), George Lombardi (Director, Missouri Dept. of Corrections) and Patricia Cornell (Superintendent, WERDCC). Plaintiff claims that defendants Crawford, Lombardi

and Cornell knew or should have known of allegations of sexual misconduct by correctional officers at WERDCC but failed to properly train their employees regarding the need to recognize such abuses and additionally failed to put in place adequate procedures for dealing with these violations. Plaintiff also alleges that defendants Crawford, Lombardi and Cornell failed to protect her from the sexual assaults purportedly perpetrated by defendant Wilson.

After reviewing the complaint, the Court has determined that plaintiff's allegations survive initial review under § 1915A. As a result, the Court will order defendants to reply to plaintiff's claims. 42 U.S.C. § 1997e(g)(2).

Accordingly,

IT IS HEREBY ORDERED that, pursuant to 42 U.S.C. § 1997e(g)(2), defendants shall reply to plaintiff's claims within the time provided by the applicable provisions of Rule 12(a) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that this case is assigned to Track 5B: Prisoner Standard.

Dated this 6th day of October, 2011.



DAVID D. NOCE
UNITED STATES MAGISTRATE JUDGE